



In What Manner Liberalism in Both Germany and France Conflicts with Group and Collective Rights for the Minority Populations Residing in Those Countries

Preface

Scholars involved in both the study and application of human rights, expend many painstaking hours debating whether some human rights should take pre-eminence over others. This long-lived debate over the primacy of human rights has continually failed to resolve itself. The scholar of human rights will find that different groups and persons around the globe will have divergent conceptions about which human rights are the most important to them. The distinct conception of human rights that any particular group, culture, or person claims is the most appropriate for them, is not always the most appropriate conception of human rights for other groups, cultures, and persons in the world. Analyzing certain variables will assist the human rights scholar in developing a particular conception of human rights that will be the most appropriate for one of the many groups, cultures, and people living in the world. Such variables might include, but are not limited to e.g., geographical location, age, culture, gender, social standing in society, and religion among others. The many people living in Sub-Saharan Africa who are going to die this week from either starvation or disease would most likely not find it comforting to know that the President of their country just adopted a liberal democratic constitution giving them the civil and political right to vote. Their new liberal, individual, civil and political right to vote will neither feed them nor will it help them to survive; since they will



not live long enough to enjoy their new liberal, individual, civil and political right to vote, it is worthless to them. What they really need right now are the basic human needs that both Shue and Nordahl speak of. It is only after their government gives them the human right to: Food, shelter, physical security, and medical care, that they can return to good health and be able to enjoy their liberal, individual right to vote. Inversely, if you are a multi-millionaire living in upper class America, the importance of securing the basic right to food and physical security probably will not be at the top of your priority list. Multi-multimillionaires already possess the necessary capital that they need in order to obtain these privations.

Considering that you are able to read and understand this paper, it would probably be safe to assume that you are at neither one of the two extremes that I just mentioned but somewhere in between. You might feel that civil-political rights such as the right to vote and freedom of speech are just as important to you as social-economic rights such as the right to work and the right to obtain medical services in the event of illness. The scholar of human rights is easily able to discern wherefore the world possesses such a wide variety of human right conceptions and probably always will; this is on account of all human rights being relative to one another owing to the world's great cultural diversity. Therefore, one group or person will have a conception of human rights that will always be relative to their particular cultural values, needs, and environment. There is no universal conception of human rights that is currently capable of successfully fulfilling the human right necessities of every group or every person in our world of immense ethnic diversity. Therefore, it is reasonable to conclude that neither every person nor every group either desires or believes in the identical doctrine of human rights that you might. The purpose of this paper is to analyze the current political and civil unrest existing in both Germany and France due to a serious and ongoing dispute over the primacy of human rights. Four different groups are involved in a violent debate over their divergent conceptions of human rights. This has constituted an extremely sad state of affairs in both Germany and France. In the process of this dispute, each of one of the four groups is guilty of committing gross human right



violations against the other group which they perceive to be a threat to their own group. Each group has violated the particular conception of human rights that they claim is the most important to them. Both sad and ironic is that in the current disputatious atmosphere in both Germany and France no disputing group is yet capable of acknowledging that they share certain universal standards of human rights with the other groups such as: Certain basic rights-needs, in addition to certain social-economic and civil-political rights. Human rights are classified into different groups; *civil-political, economic-social, and basic rights-needs*. Liberal human right advocates generally consider civil-political human rights to have primacy over both certain economic-social human rights and basic human rights-needs. Some of the human rights that are considered extremely important to most liberal human right advocates include the following civil-political individual rights: "freedom of speech, universal suffrage, and the right that people are secure in their persons, houses, papers, and effects, against unreasonable search and seizures"(United States Bill of Rights:1791). Scholars of human rights should possess the vital ability to recognize that people dying of starvation in a scorching desert or Kurdish refugees fighting for the right of physical security while bullets are flying at them are not likely to find it very comforting to know that the United Nations is working extremely hard to bestow to them the liberal, civil-political right to vote while neglecting their immediate basic human rights-needs which will grant to them the human right to life and survival. The people dying of starvation in the desert and the Kurdish refugees are most likely to agree that the United Nations is entirely backwards in establishing their human right priorities in many cases. This scenario should enable the scholar of human rights to understand that all human rights are culturally relative to one another. Both Germany and France claim not only to espouse a liberal conception of human rights in principle as outlined within their state constitution, but also claim to be actively practicing the principles of a liberal conception of human rights as outlined within their state constitution. If both countries are practicing the liberal conception of human rights that they claim to be, the scholar of human rights finds it perplexing wherefore neither country is able to expediently resolve



the current civil-political unrest that continually plagues both countries. It is equally perplexing as to why neither Germany nor France is capable of constituting a reasonable doctrine of human rights capable of addressing and accommodating the human right essentials of the minority groups who currently reside in both countries. By analyzing in what manner liberalism conflicts with group and collective human rights in both Germany and France, I hope that my conclusions will offer some plausible solutions to help solve the human rights dilemma in those two countries. I also hope that my conclusions are instrumental to all scholars of human rights in their continual dedication and struggle to solve the fundamental human right questions currently plaguing our post-modern world. It is my own belief that while both universalism and cultural relativism are two ways of conceptualizing human rights, they are not the only ways. Prior to plunging directly into the current state of affairs in both Germany and France, a brief discussion explaining the history of the liberal conception of human rights is noteworthy.

This will enable my readers to better understand wherefore the minority groups in both Germany and France now claim that the liberal conception of human rights is inadequate to address their specific human right needs. The goal of contemporary liberalism is to emphasize and promote individualism. Liberalism addresses the human right requirements of the sovereign individual while neglecting to address the human right requirements of the innumerable ethnic, cultural, tribal communities and minority collectives existing in the world today; hence the reason for the political and civil unrest currently existing in both Germany and in France. The principles constituting the liberal conception of human rights were born during the Enlightenment Era deriving from the philosophies of: Hobbes, Locke, Darwin, Mills, Kant, Bentham, Voltaire, and Spencer among others. The Enlightenment Era challenged, deconstructed, and then reconstructed century old traditional beliefs regarding the purpose of: Life, God, church, state, community, personal and political thought, as well as the conception of human rights possibly beyond repair. Prior the Enlightenment Era the conception of human rights was easily able to recognize and to accommodate the needs of cultural communities. Post the Enlightenment Era, the



liberal conception of human rights focused its attention on the specific needs of the sovereign individual while continually neglecting the human right necessities of cultural communities and group collectives. The goal of liberalism is to shift the primacy of human rights from the group and community to the sovereign individual. The liberal conception of human rights and its emphasis on the individual was never devoid from purpose. As the epoch of feudalism and monarchy closed, the new epoch of the industrial revolution was opened. The industrial revolution propelled liberalism into the faddish political doctrine it is today thus displacing the importance of traditional cultural communities by labeling them as obsolete. Traditional communities and village artisans gradually disintegrated owing to the many new-born innovations such as: The city, market economy, wage labor, factories, the indispensability of the nation state, nationalism, and individualism. Enlightenment philosophers such as Hobbes diffused contagious philosophies about the essence of humankind throughout Europe and America. Hobbes asserted that individuals were incapable of working together in a community setting in order to fulfill their basic human needs. Hobbesian thought is central to the liberal conception of human rights. Liberalism likens the sovereign individual to a despotic monarch possessing absolute rule over his home commonly referred to as his castle, his subjects, commonly referred to as his family and/or slaves, and his destiny. Hobbes explained wherefore liberalism places this strong emphasis on individual rights in lieu of group and collective rights throughout his discourse on the *bourgeois man*. Hobbes posits that human beings are not social animals needing a community, group, or social solidarity in order to survive. Hobbes explains: "We do not...by nature seek society for its own sake, but that we may receive some honor or profit from it; Men come together for their own good, which relates to their senses and their mind [for pleasure, lust, and unlimited greed - common bourgeois thought] The most frequent reason why men desire to hurt each other, ariseth hence, that many men at the same time have an appetite to the same thing; which they can not very often neither enjoy in common, nor yet divide it; whence it follows that the strongest mind must have it, and who is strongest is decided by the sword."(Hobbes *Bourgeois Man*:233-244) Hobbes



conclusion is that human beings are entirely incapable of controlling their passions, lusts, and unlimited desires thus making the idea inconceivable that men and women are capable of working together in a community setting in order to fulfill their basic human needs. The growing social class of bourgeois experiencing a tremendous rise in both their wealth and standard of living during the industrial revolution were strong political proponents of liberalism. Thus liberalism spread in popularity as a pragmatic political doctrine for the bourgeois who promoted it in protecting the human rights of sovereign individuals in lieu of communities and cultural collectives. Ideologically, *liberalism* legally gave men, women and nation-states the *human right* to argue, compete, and wage war against one another in their perpetual struggle for power, wealth, and vainglory; an extremely attractive option to the bourgeois wanting to rise in prestige, power, and financial status. The idea of working as a team in a community setting in order to benefit the community as a whole seemed repugnant to the bourgeois who viewed such ideas as the way to poverty in lieu of wealth. Traditional communities became increasingly obsolete owing to village artisans leaving them in order to pursue necessary employment opportunities in one of the growing number of emerging cities. Thus ideologies such as Anderson's *imagined community* and nationalism shoved aside any notions that traditional communities were relevant in a modernizing world.

The community was no longer considered important enough to be either preserved or protected against liberalism and its infringement thereof. However, over time, the liberal conception of human rights proved to be inadequate and too confining to both address and accommodate the basic human needs and human rights of every one, culture, and group in the world. This inadequacy of liberalism is clearly evident when examining both Germany and France today. Henceforth in this paper the definition of a community will be either the majority group in a particular nation state or the minority group subsisting under the majority group. The majority group in a nation state is comprised of the state officials who institute national laws and the majority group of people sharing a particular set of common norms governing their lifestyle. The majority group in both Germany and France is



capable of existing peaceably in their own *imagined community* (Anderson), but is incapable of co-existing peaceably alongside a minority group subsisting under them. In both Germany and France, two nation states claiming to espouse extremely noble constitutional principles, laws, and human right standards; the question turns as to whether these two countries are actually practicing the noble laws, principles, and human right standards that they claim to be. I argue that both Germany and France are not practicing the human right standards that they claim to be. When a country fails to practice the laws, principles and human right standards as outlined in their state constitution; their laws, principles, and noble sounding human right standards become worthless to their state citizens. Noteworthy also is that Hobbesian philosophical thought paved the way for the ideas put forth by Darwin and Spencer; both men shared in the responsibility of the world-wide diffusion of the theory of Evolution and Social Darwinism. From the industrial revolution forward, it was primarily believed that humankind was incapable of governing their social conduct in ways making it possible for human beings to dwell amidst other human beings with the same gladness of heart many of the classical Greek philosophers such as Aristotle spoke of. Human beings instead were viewed as machines that were driven into action by a fuel comprised of their unlimited lusts and desires in which they would never end the pursuit thereof. This pessimistic view of mankind is reflected in both American and French Revolutionary thought: The Rights of Man and Citizen (1789), American Declaration of Independence (1776), and the American Bill of Rights (1791).

All three of these declarations strongly promote the liberal conception of human rights while manifesting in law the ideologies of both Hobbes and Locke by constantly stressing the need to protect humankind against other members of their own species. The liberal conception of human rights has continually promoted and protected competition between men and women for power, wealth, and vainglory; in doing so it has additionally contributed too much of the present day violence, political corruption, and crime. Although Rule of Law now exists in most modern nation-states, by analyzing the current conflicts in



both Germany and France, three propositions are evident: 1) Mankind and governments do not as a habit practice the laws that they institute 2) The liberal conception of human rights is still dedicated to protecting the Hobbesian idea of the bourgeois man in the state of nature 3) The liberal conception of human rights in its current form is incapable of addressing and accommodating the human right requirements of either every one or every ethnic collective in the world. Keeping this brief history in mind, I will now turn to the current political crisis's occurring in both Germany and France.

Conflicting Conceptions of Human Rights Plaguing Contemporary Germany and France

The practice of contemporary liberalism in both Germany and France has recently become an impediment to the minority populations residing in those countries who now are demanding that their present human rights are expanded to include collective and group rights. The two minority groups whereof I speak are the Turkish population residing in Germany and the Muslim population residing in France. The constitutional laws governing the practice of liberalism in Germany diverge greatly from the constitutional laws governing the same practice in France. Both France and Germany have a liberal constitution supposedly governing the human right standards in both countries. The French constitution in principle claims that every French citizen is entitled to equal protection under liberal French constitutional law in practice. This is revealed in the French Constitution's TITLE I: "France is an indivisible, secular, democratic and social republic. It ensures the equality before the law of all its citizens, without distinction of origin, race, or religion.

It respects all beliefs"(French Constitution:1958:1). I argue that the principles of French constitutional law supposedly dictating the practice of both liberalism and human right standards in France are neither actively practiced nor applied equally and fairly to all French citizens by the French government; particularly in the case of a French citizens who happens to be an ethnic Muslim. The French Muslim minority posits that they are experiencing grave ethnic discrimination by the French majority because they openly



practice their ethnicity and religion amidst the French majority culture. Liberal French constitutional law in principal claims to protect its citizenry, including those citizens of France who happen to be ethnic Muslims against any discrimination based on their religion, religion, or origin. Thus the question arises as to whether the French government is objectively practicing the liberal principles that they claim to be as set forth within French constitutional law equally to all French citizens; Muslims included. If France is objectively practicing its liberal constitutional principals it would seem unlikely that the French Muslims would now be demanding extended human rights as a ethnic minority collective. The French Muslims are making three human right demands to the French government. They are demanding: Collective rights as an ethnic minority group in France, external protections from the French majority who the Musims allegedly claim are inflicting physical and emotional harm upon them, and that the French government protect their French liberal constitutional rights against any infringement thereof. This is not the contradiction in human right demands that it seems to be. The demand made by the French Muslims to the French government asking that their liberal constitutional rights are not infringed upon e.g., such as equal protection under the French constitutional law and the right to non-discrimination based on race, religion, and ethnic origin; this seems indicative that the French Muslims are experiencing a grave and dual form of human right violations. This dual form of human right violations allegedly committed by the French majority against the French Muslim minority is manifest in two ways. First by the French government's continual denial to allow the French Muslims the human right to live as an ethnic minority collective in a community setting in the state of France; minus ethnic discrimination. Second, by the French Muslims necessity to demand that their liberal civil-political rights as citizens of the state of France are not denied to them.

These dual demands open a window enabling us to clearly view the measure to which both the French government and French majority respects the human rights of ethnic minority groups in France. By looking through this window, one is enabled to clearly visualize the extreme ethnocentricity and narrow mindedness of the French majorities cosmopolitan



outlook regarding the rest of the world outside their small *imagined community*(Anderson). The French majority also seems to be extremely intolerant of ethnic minorities in general, bordering on the possibly of being guilty of either racial bias or ethnic bigotry. This is manifest by the French government's continual rejection to grant the French Muslims the human right to peacefully subsist as a distinct cultural community within France. Thus the French majority is denying the French Muslims one of the most widely accepted liberal human right principles: The right to life, liberty, and the pursuit of happiness. Ironically, the French government pursues an immigration policy extending extremely generous citizenship rights to Muslim immigrants insofar as allowing them quick and easy access to French citizenship. The French government even encourages that the French Muslims become French citizens under the French policy of *assimilation*. This French *assimilation* policy is the crux of the current contentions now existing between the French majority and the Muslim minority. The French Muslims violently resist the French *assimilation* practice continually pursued by the French government in their attempt to transform all foreigners into cultural *Frenchmen and Frenchwomen*. French officials and apologists justify this assimilation policy by claiming that it serves dual nationalistic aims. The former group claims that the French assimilation policy serves both to unify and stabilize the French government while the latter group claims it is required in order to maintain the status quo of the French majority culture. The French Muslims are the marginal group asserting that they have the human right not to assimilate into the French majority culture. Since the year 1990 the human right demands being asserted by the French Muslims have been completely justifiable under The Charter of Paris for a New Europe (November 21, 1990). Both France and Germany are signature states on this human right instrument and thus declare to adhere to the first part the declaration entitled *Human Rights, Democracy, and the Rule of Law*: "*We undertake to build, consolidate and strengthen democracy as the only system of government of our nations. In this endeavor, we will abide by the following; We affirm without discrimination, every individual has the right to: Freedom of thought, conscience and religion or belief, Freedom of the expression, Freedom of association and*



Freedom to know and act upon his rights." Furthermore, under the portion of this declaration entitled *Human Dimensions*, the French government promises to be: *"Determined to foster the rich contribution of national minorities to the life of our societies, we undertake further to improve their situation. We reaffirm our deep conviction that friendly relations among our peoples, as well as peace, justice, stability, and democracy, require that the ethnic, cultural, linguistic; and religious identity of national minorities be protected and the conditions for the promotion of that identity be created."* I hope that neither the French nor German government, two signature states promising to adhere to the principles contained within The Charter of Paris for a New Europe are not embarrassed in any manner by my brief recapitulation of the articles contained within this human right instrument. I want to remind both the German and French government that they have a duty to practice the principles contained in The Charter of Paris for a New Europe. The scholar of human rights therefore finds it as vexing as it is perplexing wherefore in the year 1998 the French Muslims are still being denied the human right to subsist as a separate ethnic collective within the state of France; minus ethnic discrimination. In 1998, the French Muslims still feel the need to demand the human right from the French government to both protect and promote their ethnic identity, integrity, and survival from the French assimilation policy. The French Muslims demand is completely justifiable to the scholar of human rights after having reviewed the contents of both The Charter of Paris for a New Europe and the Universal Declaration of Human Rights. Both human right instruments clearly give the French Muslims the human right to openly practice their distinct ethnic identity, religion, language, and dress in France free from persecution and discrimination. It is recognized that complicating the matter somewhat is that not all French Muslims form one united collective group in their demands. The French Muslims have immigrated to France from: "120 different countries and belong to a variety of ethnic groups: blacks, Asians, Arabs, Europeans"(Economist:10:1996:78). Consequently, the French majority finds it increasingly difficult to differentiate between the many diverse ethnic groups of Muslims living in France; many French Muslims are feared to be related to the Algerian



extremists responsible for the Paris subway bombing in 1995.

The complexity of distinguishing between the diverse ethnic Muslim groups in France, especially in light of the ongoing fear of the Algerian extremists, continually feeds French xenophobia regarding the French Muslim minority. Some marginal Muslim human right activists who were once indifferent to the French assimilation practice are currently turning away from their indifference. As discrimination continues to rise against the ethnic Muslim minority by the French majority, rising also are shared feelings of discontent amid most of the ethnic Muslim communities in France who were formerly disunited. This is resulting in a latent effect. The French Muslims who were formerly indifferent to the French assimilation policy are now unifying themselves with the Muslims demanding extended group and collective rights. This French Muslim unification is occurring for three reasons: Social solidarity, ethnic survival, and to secure basic rights and needs within the Muslim community as a whole. In response, the French government resorts back to their assimilation policy as the instrument to impede French Muslim unification. Consequently, the current relationship between the French Muslims and the French majority is continuing to become increasingly strained. In France, Muslims can become citizens as early as age thirteen with the small residency requirement that they have lived in France since they have been age eight. Ironically, the Turkish minority population in Germany is paradoxically facing an inverse problem to that of the French Muslims. The German Turks are demanding, but are continually denied citizenship rights by the German government. Unlike the French Muslims who are demanding collective rights as an ethnic minority group, the German Turkish minority group in Germany is demanding both liberal and polyethnic human rights rights. Polyethnic rights are able to secure them greater inclusion into the German majority culture. The German Turks claim that they have fully assimilated into the German culture over several decades and the thrust of their complaint is that the German government refuses to grant them the human right to either German citizenship or permanent residency status. Recognizing that Germany is an ethnic nation, we can better understand the reason for which the German Turks are being denied equal



legal entitlements to the same liberal human rights enjoyed by the rest of the ethnic German citizenry. The German Turks claim that they are being denied their legal entitlement to liberal rights in Germany based on their ethnicity and their decent. The German Turks inverse to the French Muslims want to fully assimilate into the majority culture.

The German Turks seeking either German citizenship or permanent residency status have met all the German constitutional legal requirements to obtain this status. By obtaining citizenship rights, the German Turks would be enabled to enjoy the same civil-political and economic-social rights that the ethnic German majority enjoys. Many liberal German citizenship rights include but are not limited to: Medical care, public education, non-discrimination based on race, sex, religion, disability rights, work related rights, language, full legal protection under the law, suffrage, shelter, employment rights, and job training. In 1973, the Federal Institute of Labor passed a decree banning all German industry from making any further requests for guest workers. The law specifies: "concerning the granting of work permits for foreigners...any interruption of residence in the Federal Republic [Germany] could result in the loss of employment." (UNESCO Courier:10:18). This law makes it exceedingly difficult for German Turks who are neither citizens nor permanent residents of Germany to visit their relatives in Turkey. If a German Turk leaves Germany to visit a sick relative in Turkey, they interrupt their current residency status in Germany in which case their German employer can fire them for any apparent reason. Additionally, by interrupting their German residency status and becoming unemployed; they are ineligible to the social-economic human right granted to all ethnic German citizens e.g., to collect their employment pensions. Many German Turks have earned large pensions over the years in which they have worked in the Republic of Germany. The German government is using this strategy in order to discourage any further Turkish immigration into Germany while at the same time hoping that the German Turks currently residing in Germany will return to Turkey because of the unfavorable employment conditions. Thus the German Turks are in a sense restricted in their



movement. German Constitutional law in principal states that after complying with a certain residency requirement, German Turks have the legal right to obtain full German citizenship rights. The United States Department of State in their 1997 human rights report on Germany claims: "For ethnic Germans from Eastern Europe and the former Soviet Union, the Basic [German] Law provides both for citizenship immediately upon application and for legal residence without restrictions. Other persons may acquire citizenship (and with it the right of unrestricted residence) if they meet certain requirements, including legal residence for at least 10 years; (five if married to a German); renunciation of all other citizenship's, and a basic command of the language. Long term residents often opt not to apply; they receive the same social benefits as do citizens, and after 10 years of legal residency they are entitled to permanent residence." The report goes on to declare: "The amount of continued police abuse, especially against foreigners...violence and harassment directed at foreigners continued to occur. Anti-foreigner crimes during the first 6 months of 1997, compared with the first 6 months of 1996 rose by 11%." The German Turks comprise: "4.5 million foreigners...forming the largest group [of foreigners], accounting for 35% of the total in Germany."(UNESCO:10:1985:18) Under these current conditions it is both appropriate and rational for the German government to immediately ameliorate the current racial tensions existing between the German Turkish minority and the ethnic German majority by adhering to the principals contained within the German constitution in objective practice; specifically by liberalizing German citizenship laws. In 1985: "2.5 million foreigners that have been living in the federal republic [Germany] for more than eight years and thus fulfilling the most important condition for obtaining a residency permit which would protect them against expulsion in the case of long-term unemployment or dependence on social security, only 3.2 percent are in possession of this precious document"(UNESCO:10/1985:18). It is unusual and interesting that the Muslim minority in France is demanding primarily group and collective rights while the minority of Turks in Germany want liberal rights.



History of the Turkish Population in Germany

Following World War II, the German economic condition was in a state of serious turmoil and decline. Germany managed to rebuild her industry while increasing her financial capital holdings. However, Germany had a large labor shortage hence Germany made their earnest request for guest workers. These guest workers resided in Germany while acting as guest laborers in German industry. Thus the Germans inherited their large Turkish population. Turkish guest laborers primarily migrated to the area of West Berlin one of Germany's largest industrial centers. West Berlin is 12% foreign in its population as of 1985.

Other German industrial cities with large Turkish and foreign populations of guest workers are those of "the industrial area of the Ruhr and in Frankfurt-am-Main, Offenbach, Stuttgart, Mannheim, and Munich(UNESCO Courier:10:1985). Many German Turks worked in industrial production as well as holding what many people consider today to be called *white-collar jobs*. Though fewer in number, there were also some Turkish asylum seekers to whom Germany granted asylum to but these were minimal in number when compared to the enormous influx of Turkish guest workers. Many German Turks have been living, paying taxes, and assimilating into the German culture now for over two generations. German Turkish families and German Turks who have intermarried with ethnic Germans view themselves as German in identity. German Turks currently perceive themselves as not Turkish at all but as German. German Turks have fully assimilated into the German culture and now also pledge their loyalty to the German nation state. The German Turks currently demand a shift in their legal status from their former status of guest workers to the elevated status of either permanent residents or German citizens. Although I have yet to find substantial evidence suggesting that German Turks seek dual citizenship, this possibility can not be discounted. The common thread running through and tying all German Turkish communities together is the shared belief that their identity is no longer Turkish but strictly German (i.e. language and culture). Evidence indicates that the German Turks who have married ethnic German citizens do experience an easier



time obtaining German citizenship rights. However, there does seem to be a pervasive fear existing throughout the ethnic German community that a non-ethnic German group such as the Turks poses a threat to the ethnic German nation. There also seems to also be the xenophobic fear that Germany will undergo some form of ethnic perversion if foreigners are allowed to become Germans citizens. Interesting are the words of a Turkish asylum seeker Bandir Abdulahat who fled Turkey in 1972 who says: "he feels more at home in Berlin then he ever did in the land of his birth; he even sympathizes with the angst over foreigners. Sometimes," he says, "I think I would do as the Germans have." [He speaks here of the firebombing by radical German Right Wing groups in the town of Molin that killed two Turkish girls and a Turkish woman in 1992]"(U.S. News & World Report: 12/1992:18). Unlike the diverse Muslim groups in France, all German Turks share the same collective goal.

They declare that they have fully assimilated into the German culture and are being discriminated against by the German government by being reputedly denied German citizenship and/or permanent residency status. Bora Ipek studied engineering in Switzerland after leaving his native Turkey in 1972 he came to Germany in 1978 to work. Ipek, being successful in his engineering work in Germany had long ago abandoned any plans to return to Turkey. Now he fears for both his basic and liberal human rights in Germany since he has been denied citizenship and equal protection under German Basic Law. He says in 1993: "In hard economic times, groups on the edge get pushed aside...Life for foreigners is getting more difficult, not only in Germany but also in the rest of Europe. My 6-year-old old came home last week [from school after being taunted] asking, What's a foreigner? And why do some people hate us"? Ipek continues to admit: "I love my job and I feel very settled in Germany...But if anything happens to my kids, we're leaving"(Science: 11/1993:1103). The German government's indifference to the Turkish demand for citizenship rights is causing a latent effect. Many German Turks are taking a more separatist stance within Germany. In Germany: "a self-help movement is beginning to emerge among Turks. In addition to helping students and young professionals, their



agenda includes politics, and in particular, citizenship." A German passport won't cure racism," says Ingin [a German Turk]. But it would give us the same rights as Germans." Without such rights [economic-social and civil-political], the battle for equal opportunity is proving to be that much harder"(Science: 11/1993:3). The tension is mounting between the Turkish minority and the ethnic German majority owing to competition for employment under Germany's current economic conditions.

The Unusual Case of the Turkish Plea for Liberal Rights in Germany

The complaint made by the German Turks claiming that they are being denied equal access to their legal entitlement to either German citizenship or permanent residency status in addition to their other legal liberal human rights by the German government is a most unusual case. Most contemporary liberal democratic nation states regard liberal individual rights as an absolute necessity to both their citizens and non-citizens alike.

Most contemporary liberal democratic countries even consider liberal rights to take pre-eminence over basic rights-needs as discussed by Shue, Marx, and Nordahl. France even goes to the extent of forcing liberal rights upon their Muslim population that primarily rejects them. Canada seems to be an exception to the rule. The Canadian government recognizes the growing significance of respecting the human right needs of ethnic minorities in our post-modern world. Ethnic diffusion on a global scale is the norm rather than the exception now. The Canadian government has granted self-governance rights to the Franco-phone culture in Quebec. Significant, is that it is usually the ethnic minority who fights against the ethnic majority for the human right to reject the majority cultures conception of human rights. The Franco-phones in Quebec have recently won their fight against the Canadian government who finally granted to them collective rights and has set their particular culture apart from the governing majority group. These special collective rights allow minority groups to enjoy what I will refer to as either *extended liberal rights* or *non-liberal* rights; meaning rights which are marginal to those that are commonly recognized as liberal rights. Regarding the French government's dilemma as to what action would be most appropriate in order to accommodate their minority Muslim



population; perhaps they should pursue a similar course of action to that taken by the Canadian government in the case of the Franco-phone minority. This seems to be most appropriate in order to accommodate the French Muslims human right demand to subsist as a distinct ethnic community in France under the majority group. It is also deemed necessary that both the German and French government immediately practice the principals set forth in: The Charter of Paris for a New Europe, The Universal Declaration of Human Rights, and their state constitution. This will guarantee that neither the French Muslims nor German Turks will be illegally discriminated against because of their particular race, religion, or origin. In the case of Germany, it is specifically recommended that the German government immediately liberalize their current liberal rights; particularly those pertaining to citizenship. Thus the government of both Germany and France will enjoy the immense benefits that are produced by acquiring a healthy dialectic relationship between those who govern and their governed. The most significant benefit to both countries will be that the current political and civil unrest currently existing will immediately decline.

If both France and Germany continue to remain indifferent to the demands of their minority populations, the current political and civil unrest may escalate into a either a civil war or a movement by an ethnic minority group to secede from either the nation state of Germany or France. If the current recommendations are appropriated by both the German and French government, both countries would benefit from the greater loyalty and patriotism that their minority populations would give to them thereby enhancing their own nationalistic objectives. Furthermore, both the minority and majority groups in both countries would better be able to co-exist in a peaceful manner. Cooperation is always preferable to conflict, crime, and human right violations. Although the German Constitution claims to be a: "constitutional parliamentary democracy" in principal, the fact remains that Germany is an ethnic nation. What differentiates Germany from other nation states is that to be German is to belong to neither a state of immigrants such as the United States nor to a state of universal liberal principles such as France. Germany has



been: "a nation of profound social, religious, ethnic and cultural homogeneity," explains Ertugrul Uzan, the director of the European Academy of Turkish Academics a Berlin-based organization that has lobbied for hard new citizenship laws"(U.S. News & World Report: 4/1995:48). In 1995 the German population was approximately comprised of 81 million people." Of 81 million, for instance, an estimated 300,000 dark skinned, non-ethnic Germans have gained citizenship. Those who have at least one German parent have easy access...A law passed in 1913 restricted citizenship to ethnic Germans based on blood and decent. Regardless of the German Constitutional Law which allows for some emigration, the fact is that "citizenship can be withheld indefinitely from a German Turk who has lived in Germany for decades, paid taxes to Germany, and speaks German perfectly"(U.S. News & World Report: 4/1995:48). The case of Germany is extremely isolated compared to most other human right dilemmas existing in the world today. Usually it is the ethnic minority group demanding either collective rights or external protections from the majority group and not the opposite. In Germany however we find the inverse. It is the ethnic German majority in lieu of the Turkish minority seeking external protections from the Turkish minority. It is extremely peculiar for an ethnic ruling majority to have such an intensified fear of an ethnic minority existing within their country that does not even posses the equal citizenship rights that they demand.

In light of the recent escalation of racial violence, police brutality, right wing, neo-nazi, and other skinhead groups launching viscous attacks on the Turks, Germany says that it is willing to grant easier access to citizenship. Unfortunately this is not happening quickly enough, and is still in the midst of substantial political debate in Germany. This is partially due to the fact many highly educated Germans will not take available employment opportunities that they consider loathsome such as janitorial work. Evidence does indicate that although Germany has banned any further guest workers because of the recent employment decline; much of German industry is still dependant on the German Turks to fill the more undesirable employment positions (i.e. janitor) that the ethnic German will not accept. The other part is largely due to the fact that Germany has been hard hit with



unemployment. In "1983 Germany had an official unemployment rate of 18%. Of that 18% only 9.5% were ethnic German citizens whereas the other 14.9% was comprised of Turkish laborers"(UNESCO Courier:10:1985). Unfortunately Germany must learn the lesson that one can not have their cake and eat it too [bluntly speaking]. "The balance in question necessitates a harmonious relationship between the nation state and its civil society"(Comparative Political Studies:4/1992:169). A strong nation state whether it be one based on ethnic descent as in Germany or assimilation as in France requires that the civil society has a healthy dialectic relationship with the state government leaders for the common good of the entire country. Internal conflicts within civil society eventually erode and weaken a nation state such as is seen in many places throughout the globe: Bosnia, Kosovo, Cyprus, and Rwanda, Russia, among many other places. Globalization and the diffusion of cultures continuing to rise at an unprecedented rate currently makes it both nonsensical and obsolete to adhere to any governmental policy discriminating against any one particular person or group in our rapidly evolving world. As one Turk said: "Germany is no longer a homogeneous land and it will never be again"(U.S. News & World Report: 4/1995:17).

The Muslims in France

In 1996, there was approximately four to five million Muslims residing in France"(Foreign Affairs: 10/1996:78).

Many French Muslims immigrated to France from the former French North African colonies during the 1960s and 1970s. Similar to the German Turks, the Muslims came to France in an effort to supply French industries with the necessary labor surplus it needed post W.W. II. It is estimated that one half of the 4-5 million Muslims in France today have already acquired French citizenship. Unlike Germany, France is making an enormous effort to *assimilate* refugees and foreign immigrants into French society under a law enacted in November 1997. In November 1997, the United States Department of State Human Rights report on France confirmed this new legislative policy in France granting easy citizenship for foreigners. The following report states: "in November [1997] the



Assembly adopted a law granting automatic French nationality to children born in France of foreign parents once they reach 18, provided that they have lived in France for at least 5 years since the age of 11; continuously or at different periods. If they choose, they can also become French citizens as young as age 13, with a residence period dating from the age of eight. In June of 1997 the newly elected Prime Minister also ordered local authorities to accelerate the granting of residence papers to immigrants who complied with conditions established by the National Consultative Commission on Human Rights. The conditions *favor families "well integrated"* into society [French], spouses of immigrants with legal status, children born in France and their parents, students, patients receiving medical care, and refugees who would be in danger if sent home"(State Dept: 1997). It seems that the French Muslims are giving the French government a real challenge by demanding that the principals contained in the French constitution are practiced. The French Constitution becomes extremely salient when examining the demands made by the French Muslims; especially when we read TITLE I in the French Constitution stating: "The motto of the Republic [France] is 'Liberty, Equality, Fraternity'...Its principal is government of the people, by the people, for the people"(FrenchConstitution:1958:1). The French Muslims violently resist the French assimilation practice. However, The French government has always taken great pride from its successful attempts to: "weave foreign settlers into the supposedly seamless fabric of French society. Unlike the multicultural approach of the United States or Britain, the aim of France is sufficiently to temper or blur the particular cultural and religious characteristics of the newcomer to make him indistinguishable (as far as possible) from the natives [French].

He may have dark skin or crinkly black hair, but he must come to accept the *Gauls* [as stated in the Economist] as his ancestors. He must eat French food, wear French clothes, observe French customs"(The Economist: 11/1996:93). To make clear the position of the French government in this matter, the highest police official in France made the following speech: "however tolerant France might be, it still views Islam in the context of state security. Pasqua [formerly highest ranking police official] warned in his speech that France



would not compromise its secular traditions to accommodate any faith, and expected French Muslims to place the law of the land above and over their sharia, or Islamic law"(Foreign Affairs: 10/1996:78). This declaration made the French government's position clear in that Islamic practices would not be tolerated in France contrary to French Constitutional law. In challenging Pasqua's position, the Muslim leader Kechat responded: "What is being asked of us is not integration but assimilation, which requires us to leave our identity behind. Individuals can not be assimilated, a community can not. A workable integration is one in which each party accepts the other as it is, with its own special culture. Our community is native born [In France] and knows no other home. The idea of returning to someplace else is not part of our thinking. We have become part of the French family and accept our responsibilities to it. But we cannot be alone in making accommodations. As Muslims, our ideal is a totally Islamic society, but that is only an ideal. We know that in France, circumstances will not permit it. Islam in France is different from that of Algeria. We are not extremists." (Foreign Affairs:10/1996:79). The French government's effort to resolve this crisis since the *hijab affair* in 1989 has continually failed: A hijab is the Muslim head covering worn by Muslim women and young ladies. Notwithstanding, France is still attempting to assimilate the resilient Muslims into cultural Frenchmen and Frenchwomen. In 1989, France in an assimilation attempt legally denied Muslim teenage girls the right to wear their hijab to school. The Muslim girls were expelled from school for wearing what the school considered to be a Muslim religious symbol. Thus the French government denied the Muslim girls their liberal legal right to both freedom of religion and public education. The Muslims claimed that ethnic French girls are allowed to wear sexually revealing attire deplorable to them such as short mini skirts; therefore the Muslims claimed that the French government discriminated against the Muslim girls based on their ethnicity and their religion.

In 1994, the French government courts adopted a law allowing the Muslim girls to wear the hijab and other religious symbols to school as long as they were not *outrageous, ostentatious, or meant to proselytize*. Most Muslims in France are citizens and should be able



to enjoy their legal French liberal rights without discrimination or persecution on ethnic or religious grounds by the French majority. Evidence does indicate that Muslims who have more recently migrated to France are finding it more difficult to adjust to the French assimilation practices; depending on where they were living prior. While the Turks in Germany would espouse the idea of quick and easy *assimilation and guarantee of citizenship* that France offers, the Muslims in France resist its every principal. The French Muslims seem to be completely resilient to the French assimilation practice and continue to express their Muslim ethnicity, faith, and language openly in France. Language rights are emerging as an extremely salient issue in contemporary France. The French language issue, although too extensive a subject to be given the full attention that it deserves now, is however noteworthy of a brief explanation. Organizations such as La Francophonie are currently surfacing in France advocating that the French language should be the only language legally allowed to be spoken in France for: Business, government, radio, television, and on the Internet. La Francophonie states: "Why should speakers of French not seek greater worldwide resonance for the tongue that Antole France once likened to a woman "so beautiful, *proud, modest*, strong, touching, voluptuous, chaste, noble, intimate, crazy, and good that one loves her with all one's being"(The Atlantic Monthly: 01:1997:14). Recently a university external to France which did not have an Internet web site in the French language was sued; the case was dismissed. In addition, the right-wing French organization called the Student Renewal, advocates that foreigners should be kept out of entering French universities "believing that foreign students should not be allowed to enroll"(The Chronicle of Higher Education: 1995:A33). Most French Muslims perceive their ethnic identity endangered by this growing French ethnocentric behavior. I have found only one marginal Muslim organization called France Plus that was founded ten years ago in response to the growing racial violence in France. The organization urges French Muslims to follow the motto: "All the rights and all the duties of the citizen," as its name implies...it urges young Muslims to become more French. To vote, finish school, join the police, and to enlist in the army.



France Plus even defied the Muslim position on the hijab affair by urging parliament to approve an outright ban"(Foreign Affairs: 10-11:1996:78). France Plus even hopes that young Muslims will be able to have careers as French governmental officials one day. However, France Plus is an extreme exception to the common goals of most French Muslims. In direct opposition to the hopes of France Plus, most French Muslims even demand that French national holidays are extended to include Muslim religious holidays. Currently, the French Muslims are only seeking collective rights and external protections in order to protect themselves against any discriminatory practices that may be committed against them by the French majority in lieu of demanding full self-governance rights or attempting to secede from the French nation state. Unfortunately many complex barriers stand in the way of peaceful relations between the French majority and the French Muslim minority. The high unemployment conditions currently plaguing France have additionally caused a greater strain between the two ethnic groups. The Muslims have often been used as scapegoats for the current economic maladies in France. Such groups such as the National Front vocally proclaim that Muslims and other foreigners are the cause of the current French economic problems and the rise in French unemployment. This has perpetrated a scapegoat mentality in France directed at foreigners. Another complex barrier between ethnic French and ethnic Muslim relations has been the French media campaigns that have been launched, aimed, and fired at all French Muslims by directly stereotyping all French Muslims as being related to the Algerian Extremist group that bombed the Paris subway in 1995. These many complex circumstances continue to feed French xenophobic fears about French Muslims. My investigation reveals that only the radical Muslim organization France Plus agrees with the French assimilation policy. Its Muslim founder states: "Unless there is a dramatic change [In France], we could fall into a civil war within a few years"(Foreign Affairs: 10/1996:79). The lingering issue remains as to whether the French Muslims will continue to assert their currents demands for collective rights as an ethnic minority, or if they will lean more towards secession and/or self-governance in the future. The majority of French Muslims are extremely loyal



Frenchman. It is approximated that only between 50,000-100,000 French Muslims are loyal to the Algerian extremists.

Common French Muslim sentiment seems to be displayed by the following Muslim voice in France: "I do not accept, for example the orthodox doctrine that Islam makes no distinction between religion and the state. The Prophet himself, after occupying Mecca in 630AD, returned to Medina to rule. This act says that Islam accepts the separation of the sacred and the temporal"(Foreign Affairs: 10/1996:79). Currently there is a rise in the number of French Muslims completely turning away from participation in the French culture. This is manifest by their support for Muslim women and girls to wear the hijab and by opening new clubs for Muslims members only. There is also the demand made by the French Muslims to the French government to give French Muslims equal access to state funding for private Muslim schools. The French government subsidizes private schools, including those that are church affiliated, so there seems to be no apparent legal reason wherefore the Muslims should be excluded from this rule. Another area of contention is whether France will continue to subsidize school lunches for minority students such as Muslims and Jews who do not eat pork. After analyzing the various ethnic problems facing both Germany and France it is clearly visible that liberalism cannot be applied to all ethnic groups in an identical manner. By comparing the vastly different human right demands made by the German Turks and the French Muslims, it is clearly evident that liberalism and the liberal conception of human rights needs to become increasingly more flexible if it is ever to become a universal doctrine of human rights in the world. This means that liberalism fails as an appropriate doctrine of human rights when it either excludes any one person or ethnic group such as the German Turks, or it forces itself as an absolute upon any one specific person or ethnic group as in the case of the French Muslims. Liberalism, if allowed by the government officials of a country, can become flexible enough so that it can be molded to fit the diversified human right necessities of each country espousing it. The worst possible action that a government can take regarding the human right demands made to it by any part of its population is no action. This is clearly evident in both



Germany and France where both government's indifference to the human right demands made to them by their ethnic minority only increases the current civil and political unrest in both countries. As revealed throughout world history, governmental indifference to the human right demands made to it by its population can end in either civil war or grave human right violations.

Liberalism, if allowed to become less rigid and more flexible can be used a valuable human right instrument by the government officials of both France and Germany, Liberalism does not have to continue to be both viewed and used as an inflexible rigid dogma. There is no international law making it a crime for liberalism to espouse certain human rights such as basic human needs-rights. There is nothing that will come and lock liberalism away in a prison cell for evolving in congruency with the changing human right needs in our post-modern world. The liberal American Constitution has always allowed for change to be incorporated into it through the constitutional amendment process. Since the ratification of the American Constitution in 1789 liberalism has never remained static. The Bill of Rights passed in 1791 is proof that liberalism, if allowed, does not have to be so restricted in its principles. In 1789 it was unheard of that a woman or a person of colour would ever have the right to vote or to be able to run for certain United States government offices. Is it then too radical for us in 1998 to think that liberalism is unable to accommodate the diverse ethnic groups who have come to live within the boundaries of the liberal nation states in the world today? According to the many human right declarations, convention's, and according to the Universal Declaration of Human Rights itself, this does not seem to be too radical of a request for anyone to ask of liberalism. The Preamble of the Universal Declaration of Human Rights declares: *"Whereas recognition of the inherent dignity and inalienable rights of all members of the human family is the foundation of freedom, justice, and peace in the world. Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy the freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people."*(PREAMBLE:



UDHR) What *serious* scholar of human rights can justify wherefore either the French Muslims or the German Turks must continue to suffer the grave human right violations that they are now with such a sacred human right instrument as the Universal Declaration of Human Rights claiming to protect them? I await an answer. There is no justifiable reason wherefore either any one person or group should have to suffer human right violations today with the seemingly endless human right instruments ratified and supposedly adhered to by the great liberal nation states of the world who are part of the *United Nations community*.

There is no justifiable reason as to why any person or cultural group should suffer any human right violations at the hands of a person, group, or governmental regime that claims that it is superior in authority of the Universal Declaration of Human Rights. If the Universal Declaration of Human Rights and the *United Nations community* cannot yet enforce its Preamble, what little faith and with much skepticism the *serious* scholar of human rights might have in the Universal Declaration of Human Rights. Notwithstanding, I still believe that liberalism can accommodate the human right necessities of the many different collectives, individuals, cultural communities; even the demands of the French Muslims and the German Turks. If the *serious* scholar of human rights wants to share in my enthusiasm that liberalism can accommodate the divergent human right requirements of both group collectives and the sovereign individual: They only need to examine other strands of liberalism, strands that may not feel very comfortable at first to hard-core liberal human right advocate. Perhaps if one examines Mournier and Unger's Personalist-Communitarian perspective of human rights, one will realize that there is a wide range in the manner in which liberalism can be applied. There is invariably no one particular liberal conception of human rights that is able to accommodate the human right necessities of both the French Muslims and the German Turks. Although mainstream contemporary liberal thought prefers that liberalism apply itself equivalently to every one and every group in the same manner, this is not an efficient method to achieve a stable government. By applying the Personalist-Communitarian conception of human rights, the



French Muslims, the German Turks, the two ethnic majority groups, and even the governments of both Germany and France (with an open mind of course) could be enabled to dwell together minus their current racial hatred. The Personalist-Communitarian perspective of human rights is one of the many contemporary sober approaches to human rights today in that it allows liberalism to become flexible enough to keep: "a focus on the roles and rights of not only individuals but also of communities, particularly communities smaller than the state [is stressed]. Families, groups linked by common cultural ties, local communities, consumer or occupational groups, and so on, and a corresponding view that rights may be claimed against groups as well as against states...the person as a individual emerges only within a circle of other persons in sociality...the person is inseparable from the world of others"(Leary:111).

The Personalist-Communitarian conception of human rights even allows us the freedom to refute the Hobbesian view of humankind as beastly creatures unable to exist within a community comprised of other human beings of their same species.

Conclusion

In conclusion, I would like to offer some standard yet flexible human right rules for all liberal state governments including those of both Germany and France. Countries must ensure that the basic human rights-needs of their inhabitants, both citizens and non-citizens alike are fulfilled. If the basic human right essentials needed by all human beings in order to survive are not met first, prior to any other abstract conception (i.e. liberal human rights) the people within the state will die or revolt. No basic human rights-needs should ever be denied to anyone by their government. If a government denies the human right of either life or survival to its inhabitants, that government will easily become unstable risking an internal revolt by their inhabitants from below. People will attempt to fulfill their basic needs-rights with or without government assistance; country inhabitants might resort to crime such as selling illegal drugs, weapons, or cooperating with organized crime syndicates. Organized crime syndication today is comprised of many competing ethnic groups in comparison to the past when the Italian La Casa Nostra



dominated the organized crime market. Special representation rights in government should be offered by the majority governmental officials to the minority group in order to ensure that the human right concerns of the minority group are not neglected. The importance of establishing a social bond between both the majority and the minority cultures can not be stressed enough. I also want to address another issue that I feel has not been given enough attention to in the contemporary discourse of group and collective human rights. Cases may arise when an individual member comprising either a self-governed community or a minority collective requires human right protections from their own group members. All groups have a ruling majority and a ruled minority (i.e. social stratification). All members of a self-governed minority collective should have a method allowing them to be able to request assistance from the externally run liberal government.

The government who intends to grant a specific minority group self-government rights should take measures to ensure that the *individual* members comprising the minority collective are protected against any possible intra-group human right abuses which could be committed against them by their own group members. It is enormously important to secure a way of ensuring the human right protections that Will Kymlicka refers to as internal restrictions. The reason for my assertion is the following: In most cases the members of a self-governed minority collective are incapable of appealing to any court outside of their own collective. This makes the individual persons comprising the self-governed minority collective extremely vulnerable of having their human rights violated by their own group members with no recourse to an outside civil court even if a minority member wanted to. If no member of the collective minority group is able to appeal to an external civil court for human right protections, this leaves the minority group members especially vulnerable to human right violations from within their own group. I invite my readers to further acknowledge that just as a minority group might request special representation rights in the majority government in order to ensure that their human right concerns are addressed; reciprocally the majority culture should also have equal seating in the minority cultures government. Thus both groups will be better able to



learn, trust, and understand each other better thus enhancing their communication and social bonds. Each group should also construct a social contract that allows for a method resolving inter-group conflicts. A formal mediation panel should be constructed in case that an inter-group dispute arises. An inter-group dispute may arise if a person from a self-governed minority collective wants to defect from their self-governed collective and therefore seeks the assistance of the external majority government and its civil courts to do so. Internal restrictions should never be denied to any member of a self-governed minority group. French law makes this rule clear. In France there exists laws which make female genital mutilation illegal, even for the French Muslim minorities that espouse this practice. If the French Muslims were granted self-government rights by the French government, every Muslim woman should have the human right to reject the practice of female genital mutilation. She should be able to appeal to the French civil courts thus giving her the human right to defect from her Muslim minority collective if she desired to do so.

Unfortunately I have been unable to find sufficient empirical data measuring the extent of which female genital mutilation is practiced illegally in France, however, the subject is extremely salient and worthy of further research. Internal restrictions and external protections should not only be spoken of in terms of protecting minority group members from either each other or the majority group, but also in terms of protecting both the majority and minority group members against any inter-group human right violations. One group is capable of committing human right violations against the members of the other group. The idea is that the members of the majority group should also have the human right as a collective to be protected against any human right violations that might be committed against them by a member of the minority group. A social contract as I previously mentioned should be signed by both groups (i.e. minority and majority). This social contract should be legally binding between both groups and should incorporate a strategy that is capable in protecting the members of both the minority and majority collectives from any human right violations which might be committed against them by the other group. This agreement should also include a formal legal mediation process in case a



violation of the social contract arose by one of the groups. The idea is to set laws in the social contract which are legally binding and are agreeable to both the majority and minority group; hence giving each group internal restrictions and external protections from the other group. This would be an extremely painstaking process of negotiation between the two groups, but the end result would be worth it. The first paragraph of the American Declaration of Independence states: "When in the course of human events, it becomes necessary for one people to dissolve the political bonds which have connected them to another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them; a decent respect to the opinions of mankind requires that they should declare the causes which impel them to separate."(United States Declaration of Independence) Thus, American liberalism in principle, the same liberal principle that the United Nations and other liberal nation states in the world claim to espouse: Does not make it unreasonable for an ethnic minority such as the French Muslims who can no longer co-exist in peace amid the majority culture to request and to be granted either self-government or differentiated citizenship rights.

It is more important that one group severs itself from the other than it is for further conflict and human right violations to occur. One group should fully sever themselves from the each other, if they can no longer co-exist with each other. After this severance, an inter-group police force should also be constructed. The idea is that an equal number of police officers are extracted from both collectives (i.e. the two severed groups) to ensure the social contract earlier recommended will be upheld by both groups. I also advocate educational policies that will allow for each group to better understand the other cultural group in order to reduce xenophobia. Additionally, a mediation panel comprised of inter-group mediators the seats of which would be equal in number from each group should be constructed. This mediation group would settle any inter-group disputes arising between the majority and the minority collectives. Although I do not claim to have all necessary answers as to how two opposing groups should peaceably sever ties between one another; the subject will continue to beg for answers in the future. A constitutional



democracy in practice is created to limit a government from oppressing its inhabitants(Locke); it is created for the administration of justice (i.e. James Madison). I would like to end this paper with a statement from both Will Kymlicka and James Madison. Kymlicka in speaking of the failure of the Western Democracies to find plausible solutions to human right perplexities: "the failure to develop a consistent and principled approach to minority rights may have even greater costs in the newly emerging democracies. At present, the fate of the ethnic and national groups around the world is in the hand of xenophobic nationalists, religious extremists, and military dictators. If liberalism is to have any chance of taking hold in these countries it must explicitly address the needs and aspirations of ethnic and national minorities"(Kymlicka:1995:64). James Madison in speaking of liberal government: "Justice is the end of government. It will be pursued, until it is obtained, or until liberty is lost in the pursuit. In a society under the forms of which the stronger faction can readily unite and oppress the weaker, anarchy may as truly be said to reign, as in the state of nature, where the weaker individual is not secured against the violence of the stronger. And as in the latter state even the stronger individuals are prompted by the uncertainty of their condition, to submit to a government which may protect the weak as well as themselves:

So in the former state, will the more powerful factions or parties be gradually induced by a like motive; to wish for the government which will protect all parties, the weaker as well as the more powerful"(Federalist#51).

By Jill Starr